

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANDREW A. HERZOG,)	8:07CV498
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
LEANNE WICHE, et al.,)	
)	
Defendants.)	

This matter is before the court on Plaintiff's Motion for Appointment of Counsel. (Filing No. [180](#).) The court cannot routinely appoint counsel in civil cases. In [Davis v. Scott, 94 F.3d 444, 447 \(8th Cir. 1996\)](#), the Eighth Circuit Court of Appeals explained that "[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel. . . . The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel" *Id.* (quotation and citation omitted). No such benefit is apparent here, particularly since this matter has been closed since 2009.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Appointment of Counsel (filing no. [180](#)) is denied.

DATED this 28th day of February, 2011.

BY THE COURT:

Richard G. Kopp
United States District Judge

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